

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DARRELL JONES,)	
)	
Petitioner,)	
)	
vs.)	CIVIL NO. 07-cv-682-WDS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

STIEHL, District Judge:

This matter is before the Court on Petitioner's motion for a certificate of appealability (Doc.

10). Title 28 U.S.C. § 2253(c) provides in pertinent part:

Unless a circuit justice of judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from ---

(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court;

or

(B) the final order in a proceeding under section 2255.

28 U.S.C. § 2253(c)(1).

Petitioner's § 2241 petition is neither a proceeding under section § 2255, nor is it a habeas corpus proceeding in which the detention complained of arises out of process issued by a state court.

Consequently, no certificate of appealability is necessary for Petitioner to perfect his appeal.

Fed.R.App.P. 22(b); 28 U.S.C. § 2253(c). Accordingly, Petitioner's Motion for Certificate of

Appealability is **DENIED** as **MOOT**.

IT IS SO ORDERED.

DATED: March 4, 2009.

s/ WILLIAM D. STIEHL
DISTRICT JUDGE